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| TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i> | Application Number | 10/693,300 | |
| | Filing Date | October 23, 2003 | |
| | First Named Inventor | Peng, Xinzhan | |
| | Art Unit | 1751 | |
| | Examiner Name | To Be Assigned | |
| Total Number of Pages in This Submission | 6 | Attorney Docket Number | 020031-002710US |

ENCLOSURES (Check all that apply)

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| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After-Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i> References (43); Return Postcard. |
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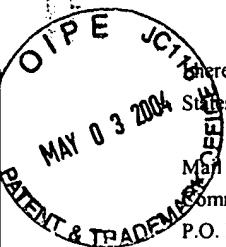
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| | | |
|--------------------|--|-----------------|
| Firm or Individual | Townsend and Townsend and Crew LLP Joseph R. Snyder | Reg. No. 39,381 |
| Signature | | |
| Date | April 29, 2004 | |

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| Typed or printed name | Jose Luna | | |
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Attorney Docket No.: 020031-002710US

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On April 29, 2004

TOWNSEND and TOWNSEND and CREW LLP

By: [Signature]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Xinzhan Peng, et al.

Application No.: 10/693,300

Filed: October 23, 2003

For: PHTHALOCYANINE DYES

Examiner: To Be Assigned

Art Unit: 1751

INFORMATION DISCLOSURE
STATEMENT UNDER 37 CFR §1.97 and
§1.98

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

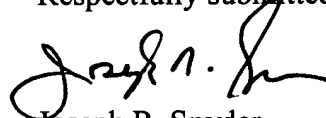
Sir:

The references cited on the attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. In accordance with the Office's waiver, issued in the August 5, 2003 Official Gazette, copies of the cited U.S. patent publications are not enclosed. Copies of all other references are submitted herewith. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

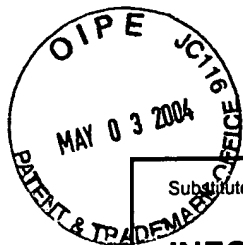
Applicant believes that no fee is required for submission of this statement. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,



Joseph R. Snyder
Reg. No. 39,381

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JS:jvl
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| Substitute for form 1449A/PTO | | Complete if Known | | | |
| | | Application Number | 10/693,300 | | |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) | | Filing Date | October 23, 2003 | | |
| | | First Named Inventor | Peng, Xinzhan | | |
| | | Art Unit | 1751 | | |
| | | Examiner Name | To Be Assigned | | |
| Sheet | 1 | of | 3 | Attorney Docket Number | 020031-002710US |

| U.S. PATENT DOCUMENTS+ | | | | | |
|------------------------|--------------------------|--|--------------------------------|--|---|
| | | Document Number | | | |
| Examiner Initials* | Cite No. ¹ | Number Kind Code ² (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
| | 1. | 3,094,536 A | 06-18-1963 | Kenney | |
| | 2. | 4,997,928A | 03-05-1991 | Hobbs, Jr. | |
| | 3. | 5,135,717 A | 08-04-1992 | Renzoni et al. | |
| | 4. | 5,171,534 A | 12-15-1992 | Smith et al. | |
| | 5. | 5,332,666 A | 07-26-1994 | Prober et al. | |
| | 6. | 5,346,670 A | 09-13-1994 | Renzoni et al. | |
| | 7. | 5,403,928 A | 04-04-1995 | Arrhenius | |
| | 8. | 5,846,703 A | 12-08-1998 | Devlin et al. | |
| | 9. | 5,872,248 A | 02-16-1999 | Cheng et al. | |
| | 10. | 6,027,709 A | 02-22-2000 | Little et al. | |
| | 11. | 6,060,598 A | 05-09-2000 | Devlin et al. | |
| | 12. | 6,323,186 B1 | 11-27-2001 | Klaubert et al. | |
| | 13. | 2002/0077487 A1 | 06-20-2002 | Leung et al. | |
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| FOREIGN PATENT DOCUMENTS | | | | | | | | |
|--------------------------|--------------------------|---------------------------|---------------------|-----------------------------------|--------------------------------|---|--|--------------------------|
| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | | | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T ⁶ |
| | | Country Code ³ | Number ⁴ | Kind Code ⁵ (if known) | | | | |
| | 14. | EP | 1 038 938 | A2 | 09-27-2000 | Nisshinbo Industries | | <input type="checkbox"/> |
| | 15. | WO | 89/09282 | A1 | 10-05-1989 | Cemu Bioteknik | | <input type="checkbox"/> |
| | 16. | WO | 91/11533 | A1 | 08-08-1991 | E.I Du Pont De Nemours | | <input type="checkbox"/> |
| | 17. | WO | 91/18007 | A1 | 11-28-1991 | Diatron Corp. | | <input type="checkbox"/> |
| | 18. | WO | 92/03575 | A1 | 03-05-1992 | Jones et al. | | <input type="checkbox"/> |
| | 19. | WO | 94/05688 | A1 | 03-17-1994 | Applied Biosystems, Inc. | | <input type="checkbox"/> |
| | 20. | WO | 02/096913 | A1 | 12-05-2002 | Gentian AS | | <input type="checkbox"/> |
| | 21. | WO | 02/24815 | A1 | 03-28-2002 | Li-Cor, Inc. | | <input type="checkbox"/> |
| | 22. | WO | 03/082988 | A1 | 10-09-2003 | General Hospital Corp. | | <input type="checkbox"/> |
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60174266 v1

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| Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i> | | | | Complete if Known | |
| | | | | Application Number | 10/693,300 |
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| | | | | First Named Inventor | Peng, Xinzhan |
| | | | | Art Unit | 1751 |
| | | | | Examiner Name | To Be Assigned |
| Sheet | 2 | of | 3 | Attorney Docket Number | 020031-002710US |

| NON PATENT LITERATURE DOCUMENTS | | | |
|---------------------------------|-----------------------|---|----------------|
| Examiner Initials * | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
| | 23. | BARREL, B., "DNA sequencing: present limitations and prospects for the future" FASEB Journal 5(1):40-45 (1991). | |
| | 24. | BRUSCHI, P. et al., "Sensing properties of polypyrrole-polytetrafluoroethylene composite thin films from granular metal-polymer precursors" Sensors and Actuators A 32:313-317 (1992). | |
| | 25. | CHEN, Z. et al., "Monomerization of cationic phthalocyanine in AOT reversed micelles" Langmuir 17:7957-7959 (2001). | |
| | 26. | DE FILIPPIS, M. et al., "Synthesis of a new water-soluble octa-cationic phthalocyanine derivative for PDT" Tetrahedron Lett 41:9143-9147 (2000). | |
| | 27. | ESPOSITO, J. et al., "The synthesis and physical properties of some organo- and organosilicon phthalocyanines" Inorganic Chemistry 5(11):1979-1984 (1979) (Reprinted from 1966). | |
| | 28. | HERMANSON, G., <u>Bioconjugate Techniques</u> , Pierce Chemical Company, Rockford Illinois, Academic Press, pp.487-492 (1995). | |
| | 29. | HU, M. et al., "Hydroxyphthalocyanines as potential photodynamic agents for cancer therapy" J. Med. Chem. 41:1789-1802 (1998). | |
| | 30. | INNIS M. et al., "DNA sequencing with Thermus aquaticus DNA polymerase and direct sequencing of polymerase chain reaction-amplified DNA" Proc Natl Acad Sci U S A. 85(24):9436-40 (1988). | |
| | 31. | JOUE, C. et al., "Conductive polyethylene as sensitive layer for gas detection" Sensors and Actuators B 28:75-80 (1995). | |
| | 32. | JOYNER, R. et al., "Diphenoxysilicon phthalocyanine" J. Inorg. Nucl. Chem. 15:387-388 (1960) | |
| | 33. | KASUGA, K. et al., "Preparation of unsymmetrical phthalocyanine by means of a ring expansion of subphthalocyanine" Inorganica Chimica Acta 196: 127-128 (1992). | |
| | 34. | KIMURA, M. et al., "Catalytic oxidation of 2-mercaptoethanol by cationic water-soluble phthalocyaninatocobalt(II) complexes" J. Porphyrins and Phthalocyanines 1:309-313 (1997). | |
| | 35. | KOBAYASHI, N. et al., "New route to unsymmetrical phthalocyanine analogues by the use of structurally distorted subphthalocyanines" J. Am. Chem. Soc. 112:9640-9641 (1990). | |
| | 36. | LICHA, K., "Contrast agents for optical imaging" <u>Topics in Current Chemistry</u> Vol. 222, Springer-Verlag Berlin Heidelberg, pp.1-29 (2002). | |
| | 37. | LUNDBERG, B. et al., "Resistivity of a composite conducting polymer as a function of temperature, pressure, and environment: Applications as a pressure and gas concentration transducer" J. Appl. Phys. 60(3):1074-1079 (1986). | |
| | 38. | MAXAM, A. et al., "Sequencing end-labeled DNA with base-specific chemical cleavages" Meth. in Enzym. 65:499-560 (1980). | |
| | 39. | MIDDENDORF, L. et al., "Sequencing Technology" Chapter in <u>Biotechnology, Volume 5b, Genomics and Bioinformatics</u> Rehm and Reed (Eds.), Wiley-VCH Publishers, Germany, (2001) ISBN: 3-527-28328-5. | |
| | 40. | MINNOCK, A. et al., "Mechanism of uptake of a cationic water-soluble pyridinium zinc phthalocyanine across the outer membrane of Escherichia coli" Antimicrobial Agents and Chemotherapy 44(3):522-527 (2000). | |

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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

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| Examiner Initials * | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
| | 41. | MINNOCK, A. et al., "Photoinactivation of bacteria. Use of a cationic water-soluble zinc phthalocyanine to photoinactivate both gram-negative and gram positive bacteria" J. Photochem. Photobiol. B: Biol. 32 (3):159-164 (1996) Abstract Only. | |
| | 42. | NEUBURGER, G. et al., "Chemically actuated electronic switch" Sensors and Actuators, B1 326-332 (1990). | |
| | 43. | NGAI, T. et al., "Disstacking of phthalocyanine in water by poly(ethylene oxide)" Langmuir 17:1381-1383 (2001). | |
| | 44. | RUSCHAU, G. et al., "0-3 ceramic/polymer composite chemical sensors" Sensors and Actuators 20:269-275 (1989). | |
| | 45. | SANGER et al., " DNA sequencing with chain-terminating inhibitors" Proc. Natl. Acad. Sci. USA 74(12):5463-7 (1977). | |
| | 46. | SASTRE, A. et al., "Synthesis of novel unsymmetrically substituted push-pull phthalocyanines" J. Org. Chem. 61(24):8591-8597 (1996). | |
| | 47. | SASTRE, A. et al., "Synthesis of novel unsymmetrical monoaminated phthalocyanines" Tetrahedron Letters 36(46):8501-8504 (1995). | |
| | 48. | SHARMAN, W. et al., "Novel water-soluble phthalocyanines substituted with phosphonate moieties on the benzo rings" Tetrahedron Lett. 37(33):5831-5834 (1996). | |
| | 49. | STAHL, S. et al., "Solid phase DNA sequencing using the biotin-avidin system" Nucleic Acids Res. 16(7):3025-38 (1988). | |
| | 50. | TABOR, S. et al., " DNA sequence analysis with a modified bacteriophage T7 DNA polymerase" Proc. Natl. Acad. Sci. USA 84:4767-71 (1987). | |
| | 51. | TRAINOR, G., " DNA sequencing, automation, and the human genome" Anal. Chem. 62(5):418-426 (1990). | |
| | 52. | WANG, X. et al., " Synthesis, spectral and aggregation properties of a novel water-soluble tetracarboxynaphthalocyaninatozinc" Dyes and Pigments 41(3):193-198 (1999). | |
| | 53. | WEBER, J. et al., "Complexes derived from strong field ligands. XIX. Magnetic properties of transition metal derivatives of 4,4',4",4"-tetrasulfophthalocyanine" Inorg. Chem. 4(4):469-471 (1965). | |
| | 54. | WEITEMEYER, A. et al., "Unsymmetrically substituted phthalocyanine derivatives via a modified ring enlargement reaction of unsubstituted subphthalocyanine" J. Org. Chem. 60:4900-4904 (1995). | |
| | 55. | YANG, Y. et al., "Dimerization of cobalt(II) tetrasulfonated phthalocyanine in water and aqueous alcoholic solutions" Inorg. Chem. 24:1765-1769 (1985). | |
| | 56. | ZAHEER, A. et al., "In vivo near-infrared fluorescence imaging of osteoblastic activity" Nature Biotech. 19:1148-1154 (2001). | |
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